

MICHIGAN DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL STEWARDSHIP DIVISION
FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

**INSTRUCTIONS FOR
LOCAL GOVERNING BODY
FOR COMPLETING AN
APPLICATION FOR A FARMLAND AGREEMENT (FORM ES-013)**

A. After a landowner completes his/her portion of an ***Application for a Farmland Agreement, Form ES-013*** (in accordance with Part 361 of the Natural Resources and Environmental Protection Act, 1994, Act 451, as amended, more commonly known as P.A. 116), the landowner is to attach a copy of a deed or land contract proving ownership of the property to be enrolled in the program, and a copy of a recent tax bill or tax assessment notice containing the legal description of the property. The landowner then is to take these application materials to the “local governing body” (see definition below) for local review and approval.

B. The local governing body holding the application shall approve or reject the application within **45 DAYS** after the application is received. It is the responsibility of the local governing body doing the initial review (usually the township board, with actual handling done by the township clerk) to complete the bottom portion of page 3 of the application form. **ALL APPLICABLE LINES/SPACES ON THE BOTTOM PORTION OF PAGE 3 ARE TO BE COMPLETED.**

C. PART I. Action by Governing Body requires the local governing body's name, date received, whether the application is approved or disapproved, the date of approval or disapproval, the clerk's signature and seal, and the current market value. **IMPORTANT:** If the application is approved on or before November first of a given year, the landowner is eligible for tax credits from the State of Michigan for that entire year. If approved after November first, the landowner is eligible for tax credits beginning the following year.

D. PART II. Check List should be completed with either a date or check mark or “NA” for “not applicable.” For all applications, the reviewing agencies are the County or Regional Planning Commission and local Conservation District. If the county is the local governing body initiating the review of the application, the township also becomes a reviewing agency. If the land in the application is within three miles of a city, that city becomes a reviewing agency. If the land is within one mile of a village, that village becomes a reviewing agency.

E. Reviewing agencies are to be sent a copy of the application by the local governing body (again, usually the township). At the very least, this includes the local Planning Commission and Conservation District. A reviewing agency has **30 DAYS** in which to review and comment on the application and provide comments to the township. After the 30-day period, the township can proceed with or without comments from reviewing agencies.

F. Upon receipt of an application, the township clerk checks the application to see that it has been properly completed by the landowner. Next, the township clerk insures that the first four lines under FINAL APPLICATION SHOULD INCLUDE on page 3, right side, near the bottom, can be checked as included in the application. Under REVIEW LETTERS FROM, the clerk should make sure that comments have or have not been received from the local Planning Commission and Conservation District and that the appropriate lines have been checked before sending the application on to Farmland Program Office. Comments need to be received from the rest of the reviewing agencies only if they meet the conditions mentioned above. If the other agencies do not meet the conditions, the township clerk indicates "NA" for "not applicable." Remember, if no comments were received within the 30-day time period, the clerk should so indicate in some manner on the application when the application is sent on to the Farmland Program Office.

G. After all the above is done and the portion FINAL APPLICATION SHOULD INCLUDE is completed (all applicable spaces are checked), the township clerk is to send the **ORIGINAL** of the application to the Farmland Program office. Comments received from reviewing agencies are to be included with the application send to the Farmland Program office. See paragraph on page 3, right side, just under "*Property Appraisal*" for line to be checked and for our mailing address. The local assessor is responsible for providing current market value information regarding the application.

H. Finally, please note that each individual application should stand on its own, i.e., be fully completed with all appropriate documentation attached without regard to other applications by the same landowner that might have been submitted with it.

Definition of local governing body: *For purposes of this program, the local governing body is defined as follows. For farmland that is located in a city or village, the local governing body is the city or village. For farmland not located in a city or village but in a township having a zoning ordinance in effect, the local governing body is the township board. For farmland not located in a city or village and the township does not have a zoning ordinance in effect, the local governing body is the county board of commissioners. In most cases, the local governing body is the township board and the application then should be taken to the township clerk for township processing.*